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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,880	06/14/2005	Hidehiro Uematsu	SONYJP 3.3-1066	5121
530 7590 02/11/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER BUI, HUNG S				
ART UNIT 2841		PAPER NUMBER		
MAIL DATE 02/11/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/538,880

**Applicant(s)**

UEMATSU ET AL.

**Examiner**

HUNG S. BUI

**Art Unit**

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whiteside et al. [US 6,844,845] in view of Jones, Jr. et al. [US 5,991,165] and Goldenberg et al. [US 5,175,873].

**Regarding claims 1 and 3.** Whiteside et al. disclose a casing body (10, figure 2) having a main body (176, figures 2-3) and a front surface panel (36, figures 2-3) having a step therebetween (a step down as shown in the figures 2-3), the casing body further having a sharp edge formed at a corner by the step (see the step between the body 36 and region 176, as shown in the figure 3), the casing body further having a small boss (178, figures 2-3) positioned near the step such that a user's hand or finger can contact both the sharp edge and the small boss at the same time, wherein the small boss is provided at a position that allows a force from a contact of the user's hand or finger at the sharp edge at the edge and the small boss.

Whiteside et al. disclose the instant claimed invention except for the small boss being formed of a corner position of the casing body and having a length which is larger than a width thereof.

Jones, Jr. et al. disclose a portable electronic device (10, figures 1-2) including at least one small boss (a dimple discloses at a corner of intersection of two walls of the frame 12, figure 2) at the corner or the casing of the portable electronic device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the mounting position design of Jones, Jr. et al. in Whiteside et al., for the purpose of providing rigidity each corner of the portable electronic device.

Goldenberg et al. disclose an electrical portable device (figure 3) including a plurality of key elements (32, figure 3), each key has a length which is larger than a width thereof (figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sized boss design of Goldenberg et al. in Whiteside et al., as modified, for the purpose of strengthening the corner of the portable electronic device.

**Regarding claim 2.** Whiteside et al., as modified, further disclose wherein the casing being used for an audio device (figure 13, column 9, line 59-column 10, line 4).

**Regarding claim 4.** Whiteside et al., as modified, disclose the small boss having a substantially semi-spherical shape (see figure 14).

**Regarding claims 7-8.** Whiteside et al., as modified, disclose the instant claimed invention except for the boss having a width of approximately 0.3 millimeters and a length of approximately 2.5 millimeters.

The specific size of the boss would have been an obvious design consideration based on the size of the portable electronic device which allows for making a size of a boss thereon.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4 and 7-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S. Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hung S. Bui/  
Art Unit 2841  
02/09/2009